

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Carlos Montez Smith,

Plaintiff,

v.

Case No. 2:10-cv-1066

Judge William J. Corzine, *et al.*,

Defendants.

Judge Michael H. Watson
Magistrate Judge E.A. Preston Deavers

ORDER

This matter is before the Court for consideration of the June 23, 2011 Report and Recommendation of the United States Magistrate Judge, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 7). The Magistrate Judge recommended that the Court dismiss Plaintiff's claims against Defendants Lavender, Hinton, and Judge Corzine as frivolous pursuant to 42 U.S.C. § 1915(e)(2)(B)(i).

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation 11, ECF No. 7.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of the Magistrate Judge. Noting that no objections have been filed and that the time for filing such objections expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge and **DISMISSES** Plaintiff's claims against Defendants Lavender, Hinton, and Judge Corzine as frivolous pursuant to 42 U.S.C. § 1915(e)(2)(B)(i).

IT IS SO ORDERED.

/s/Michael H. Watson

Michael H. Watson, Judge
United States District Court